

REMARKS/ARGUMENTS

Applicant thanks the Examiner for review of the present application and appreciates the indication that Claims 5-9 present allowable subject matter.

Applicant presents remarks below in response to the rejections of the Office Action. Applicant submits that the rejections are traversed and overcome as discussed below.

Claim Objections

Applicant has amended Claims 13, 14, 21, 22, 30, 34, and 35 to address the claim objections. Applicant submits that the present amendments overcome the objections and requests withdrawal of the objections.

Further, Applicant has also amended Claims 10-15 to replace "tag" with "remote station" to correspond in antecedent basis with Claims 1-9, and also Claim 38 to correspond in antecedent basis with Claim 37. Similarly, Applicant has amended Claims 16 and 17 to replace "remote station" with "tag" to correspond in antecedent basis with Claims 18-36.

Further, Applicant has also amended Claims 10 and 18 to replace "the" with "a" in relation to "memory" which is first presented in these claims.

Applicant submits that no new matter is introduced by any of the present amendments, as each of the amendments is supported by the application and claims as originally filed.

§ 112 Rejection of Claim 18

Applicant has amended independent Claim 16 (and Claim 17) from which Claim 18 depends. Based upon the amendments to Claim 16 replacing "one or more remote stations" with "one or more tags", Applicant submits that "wherein each tag" of Claim 18 now maintains antecedent basis with Claims 16 and 17. Applicant submits that no new matter is introduced by the amendments, as each of the amendments is supported by the application and claims as originally filed. Applicant submits that the present amendments overcome the rejection and requests withdrawal of the rejection.

§ 102(a) Rejection of Claims 1-4, 10-26, and 37-41

Claims 1-4, 10-26, and 37-41 are rejected as being anticipated by U.S. Patent 6,674,359 to Aslanidis et al. ("the Aslanidis patent").

Applicant respectfully traverses the § 102(b) rejections of Claims 1-4, 10-26, and 37-41. Applicant submits that the Office Action fails to present a *prima facie* anticipation rejection of any of Claims 1-4, 10-26, and 37-41. Each of independent Claims 1, 16, 37, 40, and 41 recites at least one limitation not disclosed by the Aslanidis patent, as described further below.

35 U.S.C. § 102(b) requires that "the invention" have been "patented or described in a printed publication." MPEP § 2131.01 provides that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

1. The Office Action asserts that "Aslanidis teaches: ... communicating from a selected remote station or stations a truncated reply containing identity data or other data of the remote station but omitting the portion transmitted by the base station." The Office Action cites to "Figure 2, ref. (10) & (14) and col. 5, lines (45-65)" in support of the assertion. Applicant submits that this is entirely incorrect and, in fact, that the Aslanidis patent teach away from the claimed invention. Specifically, in the cited portion, the Aslanidis patent teaches that "the transponder... responds by sending its full address which is received by the interrogator" (col. 5, lines 52-54, emphasis added). The Aslanadis confirms this teaching with a subsequent statement "the transponder having previously responded by returning its complete address" (col. 6, lines 16-17, emphasis added). *See also* col. 2, lines 17-18 ("response signal containing the full address"); col. 2, lines 33-34 ("partial address that prompted the return of the full transponder address").

Applicant finds no teaching or suggestion in any portion of the disclosure of the Aslanidis patent that any transponder responds by sending less than its full or complete address, when the interrogator has identified the transponders by sending a partial address. As such, the Office Action fails to provide how the prior art anticipates at least the claim limitation "a truncated reply containing identity data or other data of the remote station but omitting the portion transmitted by the base station" of Claim 1, and therefore fails to present a *prima facie* anticipation rejection.

2. The Office Action also asserts that "Aslanidis teaches: ... calculating in the base station a check sum or CRC from the data field originally sent and the truncated reply data received and comparing

the calculated check sum or CRC with the check sum or CRC sent by the remote station.” The Office Action cites to “Col. 6, lines (14-22)” in support of the assertion. Applicant submits that this is incorrect. Specifically, in the cited portion, the Aslanidis patent teaches that the interrogator transmits “the check code string CRC” to the transponder. This disclosure does not describe the claim limitation. As expressly described in the Aslandis patent in the cited portion “Instead of sending the remaining address together with the meeting instruction,” and instead of calculating a check sum or CRC, the interrogator sends a copy of “the check code string CRC” previously sent by the transponder with its full address, i.e., the transponder check code string CRC. *See* col. 6, lines 17-19 (“This transponder had namely sent this check code string CRC directly prior together with its address.”). Earlier description in the Aslandis patent confirms that “the check code string CRC” referred to in the cited portion refers to a copy of the check code string CRC that is originally transmitted from the transponder to the interrogator in the response signal of the transponder, along with the transponder sending its full address. *See* col. 5, lines 32-35.

Applicant finds no teaching or suggestion in any portion of the disclosure of the Aslanidis patent that the interrogator calculates a check sum or CRC based upon a partial address originally sent and a truncated reply received from a transponder and compares the calculated check sum or CRC with a check sum or CRC received from the transponder. As such, the Office Action fails to provide how the prior art anticipates at least the claim limitation “calculating in the base station a check sum or CRC from the data field originally sent and the truncated reply data received and comparing the calculated check sum or CRC with the check sum or CRC sent by the remote station” of Claim 1, and therefore fails to present a *prima facie* anticipation rejection.

Applicant submits that the arguments presented above with respect to Claim 1 also apply *mutatis mutandis* to the rejections of Claims 16, 37, 40, and 41. And for the same reasons that the rejection of Claim 1 is traversed as set forth above, Applicant submits that the rejections of Claims 16, 37, 40, and 41 are also traversed.

Therefore, Applicant respectfully submits that the § 102(b) rejections are improper and should be withdrawn and that Claims 1-4, 10-26, and 37-41 are patentable over the cited references and in condition for allowance.

§ 102(e) Rejection of Claim 27

Claim 27 is rejected as anticipated by U.S. Patent 7,239,657 to Gunnarsson (“the Gunnarsson patent”).

Applicant respectfully traverses the § 102(e) rejection of Claim 27. Applicant submits that the Office Action fails to present a *prima facie* anticipation rejection of Claims 27, which recites at least one limitation not disclosed by the Gunnarsson patent, as described further below.

MPEP § 2131.01 provides that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Office Action asserts that “Gunnarsson teaches: A transponder or tag for use in an RF ID system with a reader or interrogator, comprising a command decoder for decoding the command from the reader, a shift register for shifting data in the tag memory in synchronism with incoming mask data from the reader to a comparator, the comparator performing a bit by bit comparison between the mask data and the tag memory data, and a check sum or CRC generator.” The Office Action cites to “Figures 5 & 6 and col. 5, lines (7-55)” in support of the assertion. Applicant submits that this is incorrect.

1. While the Gunnarsson patent discloses an electronic unit 7 of the identification device 2, the Gunnarsson patent only discloses that the electronic unit 7 “receives, encodes, modulates and reflects the signal from the read unit with information according to the data present in the electronic unit of the identification device, and there with creates a so-called identification messages 8 for the read unit.” Col. 2, line 57 – col. 3, line 4. The functionality of FIG. 5 does not relate to the electronic unit 7 of the identification device 2, but instead illustrates functionality of the read unit 1. For example, the description refers to memory bank 62, processor 61, and computer part 10. These are elements of the read unit 1 and/or related system thereof, but not part of electronic unit 7 or identification device 2. For at least this reason, the Office Action fails to provide how the prior art anticipates at least the claim limitation of a transponder or tag comprising the recited elements and, therefore, fails to present a *prima facie* anticipation rejection.

2. The Gunnarsson patent fails to disclose “A transponder or tag... comprising a command decoder for decoding the command from the reader.” The Gunnarsson patent discloses that the electronic unit 7 of the identification device 2 only “receives, encodes, modulates and reflects the signal from the read unit with information according to the data present in electronic unit of the identification device.”

Col. 2, line 57 – col. 3, line 4. The Gunnarsson patent does not disclose a command decoder or decoding a command from the read unit 1. For at least this additional reason, the Office Action fails to provide how the prior art anticipates at least the claim limitation of a transponder or tag comprising the recited elements and, therefore, fails to present a *prima facie* anticipation rejection.

3. The Gunnarsson patent fails to disclose “A transponder or tag... comprising ... a checksum or CRC generator.” The Gunnarsson patent discloses that the messages from the read unit may include a checksum or CRC, and that the electronic unit 7 of the identification device 2 “receives, encodes, modulates and reflects” the checksum or CRC from the read unit 1 as part of “the signal from the read unit with information according to the data present in electronic unit of the identification device.” See col. 2, line 57 – col. 3, line 4. However, the Gunnarsson patent does not disclose that the electronic unit 7 of the identification device 2 comprises a checksum or CRC generator. For at least this additional reason, the Office Action fails to provide how the prior art anticipates at least the claim limitation of a transponder or tag comprising the recited elements and, therefore, fails to present a *prima facie* anticipation rejection.

For the several reasons presented above, Applicant respectfully submits that the § 102(e) rejection is improper and should be withdrawn and that Claim 27 and dependent Claims 28-36 are patentable over the cited references and in condition for allowance.

Applicant has amended Claim 27 by replacing “the” with “a” to correct the antecedent basis of the “command from the reader” when first presented in the claim. Applicant has further amended Claim 27 for clarity and to better present the claimed invention apart from the prior art rejection, such as to recite structure, rather than function, of elements, more definitively recite the nature of the data in the tag memory, and the function and relationship of the checksum or CRC generator to the other elements of the claim. Applicant submits that no new matter is introduced by the amendments, as each of the amendments is supported by the application and claims as originally filed.

The patentability of the independent claims has been argued as set forth above and thus Applicant will not take this opportunity to argue the merits of the rejections with regard to all of the dependent claims. However, Applicant does not concede that the dependent claims not specifically addressed above in more detail are not independently patentable and reserves the right to argue the patentability of these dependent claims at a later date if necessary.

Application No.: 10/597,194
Amendment Dated March 8, 2011
Reply to Office Action of November 9, 2010

Conclusion

In view of the remarks presented above, Applicants submit that all of the pending claims of the present application are in condition for allowance. Accordingly, allowance of the application is respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper, such as the fees for a request for an extension of time. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Christopher J. Gegg
Registration No. 50,857

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

LEGAL02/32463477v1

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF
THE UNITED STATES PATENT & TRADEMARK OFFICE ON MARCH 8, 2011.**